

**REMARKS**

In light of the above amendments and remarks to follow, reconsideration and allowance of this application are respectfully requested.

In the Office Action, the Examiner stated that some of the priority documents have not been received. However, the Examiner did not identify which priority documents had not been received. Applicants respectfully request identification of the priority documents that were not received. It should be noted that the priority documents were submitted in the corresponding PCT application and received in the Japanese Patent Office on September 4, 2000.

With regard to the Examiner's request for translation of the four non-patent literature documents, Applicants wish to direct the Examiner's attention to MPEP §609 which recites in part as follows:

"Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report."

As such, a translation of non-English language information is not necessary where an English-language version of a search report indicating the degree of relevance of the non-English language references is submitted. Copies of the English-language International Search Reports citing the four non-English Language documents were submitted with the Information Disclosure Statements filed on April 18, 2001 and

April 25, 2002. Accordingly, translations of the four non-English Language documents are not necessary. As such, Applicants respectfully request consideration thereof and request that the Examiner provide the Applicants' attorneys with copies of the PTO-1449 forms in which the Examiner has initialed next to the four non-patent literature documents.

Claims 1-32 and new claim 33 are pending in this application.

Independent claims 1, 10 and 29-31 have been amended to recite a control signal that is operable "to control a display design on a display device." In other words, the control signal controls the presentation of information on the display device. As an example, the control signal may indicate if advertisement data is to be displayed with an electronic program guide and where such advertisement is to be displayed on the display device in relation to the electronic program guide. As will be discussed below, the prior art applied by the Examiner does not disclose a control signal that controls the display design or presentation.

Claim 29 was rejected under 35 U.S.C. §102(e) as being anticipated by US Published Application 2004/0221307 to Arai.

Amended independent claim 29 recites in part the following:

"... a processor operable to generate a control signal to control a display design on a display device that displays the current program guide information."  
(Emphasis added.)

It is respectfully submitted that Arai does not disclose a control signal that controls a "display design" of a display device. Arai merely transmits electronic program guide information to be displayed. Therefore, claim 29 is believed to be distinguishable over Arai.

Claims 30 and 31 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,990,927 to Hendricks.

Amended independent claim 30 recites in part the following:

"...the broadcast program guide information including a control signal operable to control a display design on a display device..." (Emphasis added.)

It is respectfully submitted that Hendricks does not disclose the above recited feature of claim 30. That is, the program control signal of Hendricks includes information to be displayed such as number of program categories, names of program categories, names of channels, and names of programs on each channel, etc. However, such program control signal of Hendricks does not include information about the design of the display for the display device. Accordingly, claim 30 is believed to be distinguishable from Hendricks.

For reasons similar to those described above with regard to claim 30, amended independent claim 31 is also believed to be distinguishable from Hendricks.

Claims 1, 2, 4, 5, 7-14 and 16-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks in view of US Published Application 2002/0199192 to Donnelly.

For reasons similar to those described above with regard to independent claim 30, amended independent claims 1 and 10 are believed to be distinguishable from Hendricks. Donnelly, as applied by the Examiner, does not overcome the above described deficiencies of Hendricks. Accordingly, claims 1 and 10 are believed to be distinguishable from the applied combination of Hendricks and Donnelly.

Claims 2, 4, 5, 7-9, 11-14, and 16-27 depend from one of claims 1 and 10, and at least due to such dependency, are

believed to be distinguishable from the applied combination of Hendricks and Donnelly.

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks in view of Donnelly and further in view of U.S. Patent No. 6,442,755 to Lemmons. Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks in view of Donnelly and further in view of Arai. Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks in view of Donnelly and further in view of U.S. Patent No. 5,790,170 to Suzuki. Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks in view of Donnelly and further in view of Suzuki and U.S. Patent No. 6,337,719 to Cuccia. Claim 28 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks in view of Donnelly and further in view of U.S. Patent No. 6,820,278 to Ellis. Claim 32 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks in view of Suzuki and Cuccia.

Claims 3, 6, 9, 15, 28, and 32 depend from one of claims 1 and 10, and at least due to such dependency, are believed to be distinguishable from Hendricks alone or as applied with Donnelly. Lemmons, Arai, Suzuki, Cuccia and Ellis, as applied by the Examiner, do not overcome the above described deficiencies of Hendricks with or without Donnelly, as applied. Accordingly, claims 3, 6, 9, 15, 28, and 32 are believed to be respectively distinguishable from the applied combinations of references.

New independent claim 33 has been added herein.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested

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that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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